

FARMINGTON CITY PLANNING COMMISSION

Thursday, October 9, 2003

PLANNING COMMISSION STUDY SESSION (CITY CHAMBERS)

Present: Chairman Kent Forsgren, Bart Hill, Jordan White, Sid Young, Mayor David Connors, City Council Member Ed Johnson, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Members Cindy Roybal, Cory Ritz, and Jim Talbot were excused.

Chairman Forsgren opened the discussion at 6:40 P.M. He invited Mayor Connors to open the discussion regarding the small auto dealership application submitted by Don Hokanson.

Mayor Connors stated he and Council Member Johnson were there to talk to the Planning Commission in order to keep open the lines of communication between the City Council and the Planning Commission. He stated that the Council appreciated the time and effort and hard work of the Planning Commission. The Council had respect for the recommendation body and felt they did not want to approve the small auto dealership application knowing the Commission had unanimously denied the application, at least until the City Council was sure they understood all reasons for the denial. Mayor Connors stated that the main reason for denial was that the application was not consistent with the General Plan.

Mr. Petersen stated that it had been the general feeling of the Planning Commission that since it was the City Council that had amended the ordinance to allow small auto dealerships in downtown Farmington with strict provisions, it should be the City Council that reviewed the application for approval. The Planning Commission had four options when considering the application: they could table consideration, approve, approve with conditions, or they could deny the application. The Commission did not feel good about the first 3 options and therefore the only option left was to deny and provide the opportunity for the applicant to appeal the denial before the City Council, thus having the City Council make the decision.

Chairman Forsgren stated there was no animosity of any member of the Planning Commission towards the applicant nor necessarily the small auto dealership. Their main concern was the location of the conditional use in downtown Farmington. They were very concerned about setting a precedence and allowing the use to expand in the downtown area.

Mayor Connors stated the City Council had amended the ordinance with very strict conditions which they felt would eliminate abuse of the conditional use. They had felt the amended ordinance would not permit a precedence for expansion. He understood that the Council and the Commission had disagreed regarding the amendment. However, he wanted to find out if the Planning Commission had determined the current application should be denied for a specific reason considering the amended ordinance had been approved. That is other than the

reason given by the Planning Commission—that the application did not comply with the General Plan.

Mr. Young raised the issue of traffic increase. He felt that once the conditional use was approved traffic increase could not be controlled.

Chairman Forsgren stated that the ordinance, although narrowly defined, would be very difficult to enforce. There would be many such business in constant violation and there could be a constant complaint from neighbors.

Mr. White said he had no particular problem with the auto dealership especially with the tight restrictions. However he felt that enforcement would be a real problem. He stated he and the Commission appreciated HHI as a good corporate citizen. He felt, however, that the amendment was like spot zoning. What was to prevent other businesses from requesting other special zoning for particular needs? Mr. White stated that the main reason for denial was because the application was not consistent with the Master Plan for the area. He said that several Planning Commission meetings back, Mr. Petersen provided a staff report containing General Plan information for the downtown area. The Planning Commission determined that the HHI application was inconsistent with the information in the staff report. Mr. White also explained that all conditional use applications must be judged against certain standards outlined in the zoning ordinances and that one of these standards states that applications must comply with goals and policies of the General Plan.

Mr. Petersen reviewed the conditional use standards mentioned by Mr. White. Conditional uses must conform to the General Plan of the City. He stated the Planning Commission found the application was not consistent with the General Plan. The use would also be interpreted to be consistent with the Master Plan. It simply was not included in the document. It was left for the City officials to determine if the conditional use was within the spirit of the Master Plan.

Mr. Johnson said he had noted two points: 1) that the business as restricted would not generate a substantial increase in traffic, and 2) enforcement should be carefully considered. He said the applicant had committed that people passing by would not be aware the auto sales business was even there. The amended ordinances was extremely tight.

Mr. Hill said to him the issue was if the conditional use fits the overall downtown Master Plan. He felt it did not.

Chairman Forsgren stated the Planning Commission had agonized over the decision. He also stated the Planning Commission appreciated the elected officials taking the time to talk over the issues with the Commission.

Mayor Connors stated he felt it was a good thing that the City Council and the Planning

Commission were not always in agreement. It helped to have different points of view and to have an additional body of intelligent people helping to make the decisions of the City. He knew the Planning Commission was doing a good job.

Mr. White noted also that there had not be a lot of public input even though residents had been notified of the public hearing. The Mayor agreed.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jim Talbot, Jordan White, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman

Chairman Forsgren called the meeting to order at 7:15 P.M. **Jeane Chipman** offered the invocation.

APPROVAL OF MINUTES

Sid Young moved that the minutes of the September 25, 2003, Planning Commission Meeting be approved with the correction as noted. **Bart Hill** seconded the motion. The motion passed 3 to 0. Chairman Forsgren abstained.

PUBLIC HEARING: SMITH'S FOOD AND DRUG STORES REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE SIGN ORDINANCE BY ALLOWING A VARIANCE PROVISION TO THE BOARD OF ADJUSTMENT (M-5-03) (Agenda Item #2)

Background Information

Due the U.S. Highway 89 expansion project, Smith's desires to have another sign for reasons outlined in the letter to David Petersen dated September 9, 2003. The proposed location for the new sign cannot be approved by Farmington City without some kind of variance. The Sign Ordinance used to be part of the Farmington City Zoning Ordinance (Title 11). In 1991 the City Council separated the two ordinances and each received its own title as part of the overall Farmington City Code. In doing this, the council inadvertently removed the variance provision

from the Farmington City Sign Ordinance. It is recommended that a variance clause be placed back in to the Sign Ordinance to allow applicants, under certain conditions, to seek a variance form the Farmington City Board of Adjustment.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. He noted the site plan and the existence of the current signs. The 3 existing signs are ground signs, one was larger than the ordinance allowed in current ordinance regulations. He stated Smith's may have a bonafide

hardship since surrounding transportation land uses had changed dramatically since Smith's first gained approval for their signs. Highway 89 was being raised many feet and the signs were no longer as visible as needed for the business. He stated, also, that the left hand turn directly on to the Smith's parking lot would be going away. The left hand turn remaining would be further to the east. Mr. Petersen had reviewed the request for new signs and found them to be safe. Because of circumstances beyond the control of the grocery store, it may be a valid hardship. Moreover, the proposed site for the new sign has additional constraints such as the location of Shepard Creek and underground utilities. Prior to 1991 the applicant would have been allowed to request a variance. But in 1991 the ordinances effecting the sign approval was split and the variance element had been inadvertently deleted. Smiths would like to be allowed to approach the Board of Adjustments. He recommended the insertion of the variance option back into the ordinance.

Public Hearing

Chairman Forsgren opened the meeting to a public hearing and invited the applicant to address the Commission.

Bruce Van Horn (Director of Real Estate for Smiths) thanked Mr. Petersen for his comments and stated he felt the issue had been fairly presented.

Public Hearing Closed

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission members discussed the issues, including the following points:

- ▮ The request was reasonable, especially in light of the fact that the element had been inadvertently deleted.
- ▮ It was sensible for Farmington Officials to be supportive of its corporate citizens.
- ▮ Mr. Petersen had checked minutes of previous meeting carefully and found that the omission had indeed been inadvertent.

Motion

Jordan White moved that the Planning Commission recommend that the City Council add the following section to the Sign Ordinance:

15-1-050. Variances.

The Board of Adjustment may consider applications for a variance to the provisions set forth herein subject to Section 11-5-108 of Title 11 of the Farmington City Code.

Sid Young seconded the motion, which passed by a unanimous 4 to 0 vote.

Findings

- The motion provided for Farmington City to maintain a sound working relationship with the corporation to help keep them viable.
- The motion was reasonable and complied with the City General Plan.

HARV JEPPSON REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE ZONING ORDINANCE TO ALLOW “BED AND BREAKFAST/IN” AS A CONDITIONAL USE IN RESIDENTIAL ZONES (ZT-4-03) (Agenda Item #3)

Background Information

The Planning Commission has reviewed the Bed and Breakfast concept before. Enclosed for Planning Commission consideration is a draft Bed Breakfast Ordinance along with bed and breakfast information from other municipalities in Utah. A list of issues is also outlined below for Planning Commission discussion.

Issues

- Should Bed and Breakfast uses be limited to one or multiple buildings?

We have received definitions for “Bed and Breakfast” uses from Park City, Layton, Logan, Salt Lake City, and Heber City. These definitions imply that a bed and breakfast use is contained in one building. For example, in Salt Lake City a bed and breakfast means “a building” not “buildings.” Notwithstanding this, Salt Lake City (and Layton) have allowed bed and breakfasts to exist encompassing more than one building.

The website for Bed and Breakfast Inns of Utah Incorporated (www.bbiu.org) contains information for approximately 45 Bed and Breakfast Inns, of which 5 of these comprise more than one building. These include the Saltair B &B in Salt Lake City (two buildings), Escalante’s Grand Staircase B&B (three buildings, soon to be a fourth), Moore’s Old Pine Inn in Marysvale (one main building and six cabins), and Dream Keeper and Sunflower Hill both located in Moab (two buildings each).

A number of municipalities and business establishments have been contacted to better understand how the multiple building concept versus single building concept is working out. Results from these contacts are included in the supplementary information section of this report.

- Should Bed and Breakfast Inns be limited to specific zones?

Enclosed for Planning Commission review are ordinance information from Heber

City, Park City, Salt Lake City, Layton City, Logan, Escalante, and Weber County. Bed and Breakfast uses are allowed as a permitted or conditional use in one form or another in most all residential and commercial zones in Layton, Park City, Logan, Salt Lake City, and Escalante. In Weber County we only have information regarding their Commercial Valley Resort Recreation Zone.

- Should the ordinance limit (or not limit) the number of guest rooms? Some example wording includes:

“In the R-2 Zone, Bed and Breakfast Homes shall not exceed two guest rooms. In the R-3 Zone, Bed and breakfast Homes, Lodging Houses, and Rooming Houses shall not exceed eight guest rooms.” (Heber City)

“The structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant’s ability to mitigate neighborhood impacts.” (Park City)

“Bed and Breakfast” or Bed and Breakfast Inn” means overnight accommodations of ten or fewer rooms that may also serve one ore more limited to registered guests.” (Logan)

“The number of guest rooms shall be limited to a maximum of four.” (Escalante)

Salt Lake has three thresholds: 7 rooms, 18 rooms, and 30 rooms. (See attachment.)

- Should the Facility remain the primary residency of the owner?

In Park City, Heber City, and in small bed and breakfasts in SLC, the owner must live on site. Meanwhile in Layton, Logan, Escalante, and larger B &B’s in Salt Lake City the owner does not have to live on site or the respective ordinances apparently do not require that the owner live on site.

- Should there be a limit set on the number of people occupying any quest room?

Heber City is the only municipality that addresses this issue: “No more than two persons may occupy any guest room within an approved facility.”

- Should the ordinance restrict in-room kitchens?

“No kitchen is permitted within rental rooms.” (Park City)

“Bed and Breakfast:” A dwelling having one kitchen and used for the purpose of providing means and/or lodging for pay or compensation on a temporary basis.” (Layton)

“Food preparation or cooking shall be limited to a common ‘breakfast’ area.”
(Escalante)

- ▮ Should there be a limit to the length of stay at a Bed and Breakfast?

Escalante limits the length of stay to one month and in Heber City “stays” are “not to exceed 29 days.” Salt Lake City allows lodging on a “nightly or weekly basis.” In Park City rooms are available for “Nightly Rental only.”

- ▮ Should breakfasts or other meals be for guests only?

Escalante, Park City, Logan, no matter what the size of the business, restrict meals to guests only. Salt Lake City restricts meals for guests only in small B&B’s. For medium and large sized B & B’s, SLC restricts meals to guests and their guests only, but for large B & B’s, restaurants may operate in conjunction with the business but under separate licence. The issue is not addressed in Layton.

In Heber City “if means are served, they shall be prepared, served and placed upon the table family style, without service or ordering of individual portions from a menu.”

END OF PACKET.

Mr. Petersen reviewed the background information in detail. A great deal of research had gone into the report. Mr. Petersen had also distributed a draft ordinance as part of the packet information. He stated the property where Mr. Jeppson wished to locate the multi-building bed and breakfast facility was a transition area. He also stated that in general other cities had restricted multi-building bed and breakfast facilities to non-residential areas and only allowed one-building bed and breakfast facilities in residential areas.

Mr. White stated he had briefly reviewed the draft ordinance and could see no real problems with it. He did have hesitation regarding the multi-building concept in the area being proposed. He had no reservations regarding the single-building concept.

Mr. Young stated he had strong concerns if other than a single-building facility was to be allowed in a residential area. The multi-building facility had a “motel” feel to it and did not belong in residential settings.

Mr. Petersen stated that many other cities restricted bed and breakfast facilities from residential areas if you had to drive to the door.

Mr. Young also felt that there should be a strict limit on the number of rooms.

Mr. Petersen briefly discussed zones where a bed and breakfast could be allowed. He

had reviewed the draft ordinance with the City Attorney. Disregarding the plans of Mr. Jeppson, the Planning Commission should look at the entire City and make sure the conditional use for bed and breakfast facilities would be in the best benefit of the citizens.

Mr. Hill was favorable towards the one-building concept with a limited number of rooms. He stated there should also be very tight restrictions regarding food service.

Mr. Young wanted to be sure ordinance definitions were clear and specific.

Mr. Petersen stated he would work on the draft and include definition clarifications. The conditional use, if approved, would be included in several zones as a line item. He would bring the reworked draft back to the Planning Commission.

AGENDA AMENDMENT

Bart Hill moved that the Planning Commission consider agenda item #5 next to accommodate those in attendance. **Sid Young** seconded the motion, which passed by unanimous vote.

BRUCE B. AND CONNIE H. MCFARLAND REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO ANNEX 1.09 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1507 NORTH 1500 WEST (A-2-03) (Agenda Item #5)

Background Information

This agenda item was reviewed on September 25, 2003, and tabled by the Planning Commission until further information was received from the City Attorney regarding the private access easement across the McFarland property. Enclosed are exhibits illustrating the location of the easement and the location of a proposed garage by the applicant.

The City Attorney has reviewed this information and has stated that this is really a policy question for Farmington City. Presently, as part of most site plan review, (Chapter 7 of the Zoning Ordinance), the City does not ask an applicant to show the location of private easements. However, Chapter 7 does require a building permit applicant to show all public utility easements. In order for the City to adequately determine where private easement are recorded on any particular property, title reports must be prepared to show the location of these easement. A policy requiring property owners to show private easement in every case would be cumbersome and time consuming and expensive for the City and the property owner.

END OF PACKET MATERIAL.

After researching the issues carefully, **Mr. Petersen** described the private easement as currently configured. He stated he had also reviewed the information with the City Attorney. The Attorney had felt the issue was a policy decision. Would the City officials want to review every private easement and require title reports on each? Mr. Petersen stated the City's workload would

not permit doing such. He recommended that the Planning Commission approve the application as presented. Mr. Petersen stated that the fact that one nearby neighbor had not signed a release was a matter between private citizens.

In discussion with the applicant, it was noted that the person not signing the release did so not because he disagreed with the request, but simply because he did not want to become involved in any relationships with neighbors or the City.

Motion

Jordan White moved that the Planning Commission recommend the City Council annex property located at approximately 1507 North 1500 West with the zoning designation of "A" with the recommendation that the applicant make every effort to gain the signature of Jared Jeppson regarding the request in order to avoid any possible litigation in the future. **Sid Young** seconded the motion, which passed by unanimous vote.

Findings

- The motion was logical and practical.
- The requested garage did not encroach on access.
- The requested annexation property was within the expansion area of the City.
- The property owners must bear the risk of any litigation regarding the easement in the future.

PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO ENACT CHAPTER 40 OF THE ZONING ORDINANCE REGARDING DRINKING WATER SOURCE PROTECTION (ZT-4-03) (Agenda Item #4)

Mr. Petersen reviewed the map of Well Zones and Locations, including the drainage and protection areas influencing each well. He stated the ordinance under consideration was State mandated and was a good thing for the City.

It was noted the date on the draft ordinance needed to be changed to October, 2003.

Public Hearing

Chairman Forsgren opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Chairman Forsgren** closed the public hearing. The

Commission members discussed the issues, including the following points:

- Commission members questioned if there were any negative impacts on economic endeavors in the vicinity of any of the wells. Mr. Petersen responded in the negative. Mr. Petersen reported that the Haugen Auto Shop was within the area of well No. 1 but would likely be relocated at some future point.
- Commission members asked if future wells would be added to the map. Mr. Petersen responded in the affirmative.

Motion

Bart Hill moved that the Planning Commission recommend to the City Council that they approve the ordinance establishing drinking water source protection in Farmington City and establishing drinking water source protection zones and regulations. **Jordan White** seconded the motion, which passed by unanimous vote.

Commission members requested that the well numbers on the map be clarified.

Findings

The motion was a protection for the City's drinking water and was a benefit for the citizens of Farmington.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen reviewed the following miscellaneous items:

- County officials proposed the firebreak road be rerouted and improved to allow better access for emergency vehicles to the hillsides in case of fires. The road would become a class B road and would be maintained by the County. The Fire Chief had seen the plans and was very favorable. Mr. Petersen said, however, that both Centerville and Bountiful Cities were opposed to the action because improving the firebreak road would increase motorized use of the hillsides with increased erosions and degradation. A meeting will be held October 15 to which the Planning Commission was invited.
- The draft document regarding economic development for the City as prepared by the Ross Consulting firm had been included in the packet. Mr. Petersen encouraged the Planning Commission to read over the draft and to attend a joint meeting with the City Council on October 22, at 7 P.M.
- Mr. Petersen distributed information prepared by URRMA regarding Boards of

Adjustment.

- Mr. Petersen distributed updated ordinance information for the following: Chapter 28, Title 11, OTR–Chapter 17, Chapter 13, Title 12, Chapter 15, Definitions, Chapter 2, and Chapter 18.

ADJOURNMENT

Bart Hill moved to adjourn at 8:30 P.M. **Sid Young** seconded the motion, which passed unanimously.

Kent Forsgren, Chairman
Farmington City Planning Commission